IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No.3649 of 2002

1.The State of Tamil Nadu,
rep. by its Secretary and
Commissioner to Government,
Housing and Urban Development
Department, Fort St. George,
Madras-9.

2.The Special Tahsildar,
Land Acquisition,
Housing Scheme Unit-I,
Coimbatore-18. ... Appellants/Respondents

Vs.

1.Ramasubramanian

2.(Minor)Venugopalan
(Minor rep. by his mother and
guardian Indirani) .. Respondents/Petitioner

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.1999 made in W.P.No.7212 of 1987. Issue a writ of certiorari calling for the records of the first respondent in G.O. Ms. No. 819 Housing and Urban Development dated 17.08.1992 and quash the same in so far as relates to the lands owned by the petitioners herein in Survey Nos. 1-1A and 1-1B in Vadavalli Village, Coimbatore District.

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For Appellant : Mr.P.Wilson,
Special Government Pleader
For 1st Respondent : No appearance
For 2nd respondent : Mr.C.V.Vijayakumar for
M/s T.R.Rajaraman

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 27.01.1999 made in W.P.No.7212 of 1987, in and by which, the learned single Judge, following the earlier decision of this Court made in W.P.Nos.11759, 12600, 12799 of 1985, 13741 to 13743 of 1986 dated 07.01.1992, allowed the writ petition.

2. Heard Mr.P.Wilson, learned Special Government Pleader for the appellants as well as the learned counsel for the respondents.

3. It is not in dispute that in view of the decision of the Supreme Court reported in AIR 1996 Supreme Court 497 (STATE OF TAMIL NADU VS. L.KRISHNAN AND OTHERS), the earlier decisions of this Court, particularly the reference made in the order by the learned single Judge are no more a good law. Accordingly, the order of the learned single judge dated 27.01.1999 is set aside.

4. The learned counsel appearing for the respondents submitted that in addition to the ground viz., vagueness, they also raised several other grounds questioning the acquisition proceedings and according to the counsel, those grounds have not been considered by the learned single Judge. In view of the same, we are of the view that it is but proper to permit the respondents-petitioners to urge the other points, if the same are permissible/acceptable.

5. In these circumstances, the order of the learned single Judge dated 27.01.1999 is set aside and the matter is remitted to the learned single Judge for disposal of other grounds. Inasmuch as the writ petition is of the year 1987, the Registry is directed to post the writ petition before the concerned Judge dealing with the subject immediately.

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6. The writ appeal is disposed of accordingly. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary and Commissioner
to Government,State of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George, Madras-9.

2.The Special Tahsildar, Land Acquisition,
Housing Scheme Unit-I,
Coimbatore-18.

3. The Section Officer, Writ Section, High Court
Chennai (For Posting)

4. The Section Officer Judicial Section, High Court, Madras

+ one cc to Mr. T.R. Rajaraman, Advocate sr no. 34947
+ one cc to the Government Pleader sr no. 34967

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NM(19.08.2006)

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